

Express Mail Label No. EV 175965576 US

PATENT
Attorney Docket No. D0932-00313RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ruid et al.

Examiner: John J. Guarriello

Serial No.: 09/241,450

Group Art Unit: 1771

Filed: February 2, 1999

Confirmation No. 8758

For: COATED INSULATION BOARD

Express Mail Label No. EV 175965576 US

08/25/2003 SSITHIR: 00000043 09241450

01 FD:1806

180.00 DP

I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE U.S. POSTAL SERVICE USING EXPRESS MAIL POST
OFFICE TO ADDRESSEE SERVICE, IN AN ENVELOPE
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX
1450, ALEXANDRIA, VA 22313-1450

ON:

August 21, 2003

SIGNATURE

Steven E. Koffe

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith is an Supplemental Information Disclosure Statement
pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which
statement is being filed:

- ☐ Together with the present application.
- ☐ before the first Office Action on the merits or three (3) months from the
filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]
- ☒ after the first Office Action on the merits, but before a Final Office Action
under §1.113 or Notice of Allowance under §1.311, whichever occurs first.
[37 CFR § 1.97(c)]

After a Final Office Action under §1.113 or Notice of Allowance under
§1.311, but prior to or with payment of the Issue Fee. [37 CFR § 1.97(d)]

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

☐ No separate requirements are needed.

☐ No additional fee is required.

☒ **Fee Under 37 CFR § 1.97(c)**

The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

☐ **Fee Under 37 CFR § 1.97(d)**

The fee of \$180.00 for submission of an information disclosure statement under § 1.97(d) set forth in § 1.17(p) accompanies this statement.

☐ **Certification Under 37 CFR § 1.97(e)**

- ☐ Each item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or
- ☐ No item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Provision of Copies of References

☒ A copy of each of the references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

FR1137652 is not in the English language. The relevance of this document is that it was produced in a litigation related to U.S. Patents 5,783,268 and 6,270,865.

☒ Partial Translations of References are enclosed herewith and form a part hereof

- ☐ A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.
- ☐ A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.

Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted

- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). . The following references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application:
- ☒ The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679. A duplicate copy of this transmittal is attached.

Respectfully submitted,

Dated: August 20, 2003

Steven E. Koffs
Steven E. Koffs, Reg. No.: 37,163
Attorney For Applicants

DUANE MORRIS LLP
One Liberty Place
Philadelphia, Pennsylvania 19103-7396
(215) 979-1250 (Telephone)
(215) 979-1020 (Fax)

Complete if Known

(Use as many sheets as necessary)

Sheet	1
-------	---

of 3

Application Number	09/241,450
Filing Date	February 2, 1999
First Named Inventor	John O. Ruid et al
Art Unit	1771
Examiner Name	John J. Guarriello
Attorney Docket Number	D0932-00313RCE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 2001/0033782 A1	10-25-2001	Conley	
		US- 2001/0033926 A1	10-25-2001	Matthews et al.	
		US- 2002/0127399 A1	09-12-2002	Mankell et al.	
		US- 2002/0146521 A1	10-10-2002	Toas et al.	
		US- 2003/0008092 A1	01-09-2003	Toas et al.	
		US- 2003/0068943 A1	04-10-2003	Fay	
		US- 2,341,130	02-08-1944	Unsworth	
		US- 2,467,291	04-12-1949	J.O. Brelsford et al.	
		US- 2,619,151	11-25-1952	H.O. Sheidley	
		US- 2,647,857	08-04-1953	W.A. Horne	
		US- 2,825,389	03-04-1958	J.F. Stephens	
		US- 3,025,197	03-13-1962	H.O. Sheidley	
		US- 3,092,529	06-04-1963	A. J. Pearson	
		US- 3,212,529	10-19-1965	W.L. Ullman et al.	
		US- 3,394,737	07-30-1968	Hoffmann et al.	
		US- 3,642,554	02-15-1972	Hensley	
		US- 4,175,159	11-20-1979	Raleigh	
		US- 4,196,755	04-18-1980	Kutnyak et al.	
		US- 4,573,715	03-04-1986	Armbruster	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY			
		ES 9402661	12-20-1994			✓
		FR 1137652	06-03-1957	Owens Corning Fiber...		

Examiner
Signature

Date	
Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes for USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

[illegible]

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Complete if Known

(Use as many sheets as necessary)

Sheet 2

of 3

Application Number	09/241,450
Filing Date	February 2, 1999
First Named Inventor	John O. Ruid et al.
Art Unit	1771
Examiner Name	John J. Guarriello
Attorney Docket Number	D0932-00313RCE

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,709,523	12-01-1987	Broderick et al	
		US- 4,839,222	06-13-1989	Jain	
		US- 4,887,663	12-19-1989	Auxier et al.	
		US- 4,968,556	11-06-1990	Jain	
		US- 5,025,052	06-18-1991	Crater et al.	
		US- 5,144,795	09-08-1992	Field	
		US- 5,300,592	04-05-1994	Kanagawa et al.	
		US- 5,370,919	12-06-1994	Fieuws et al.	
		US- 5,421,938	06-06-1995	Cunningham, Jr.	
		US- 5,460,206	10-24-1995	Sansoucy	
		US- 5,528,904	06-25-1996	Jones et al.	
		US- 5,762,109	06-09-1998	Matthews et al.	
		US- 5,783,623	5,783,623	Skoufis et al.	
		US- 5,953,818	09-21-1999	Matthews et al.	
		US- 6,148,867	11-21-2000	Matthews et al.	
		US- 6,457,237 B1	10-01-2002	Matthews et al.	
		US-			
		US-			
		US-			

[illegible]

Examiner
Signature

Date	
Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not corrected. Include copy of this form with next communication to applicant.² Applicant's unique citation designation number (optional).³ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the public to file) an application for a patent, trademark, or other intellectual property right with the U.S. Patent and Trademark Office (USPTO). The burden of this collection of information is estimated to average 15 minutes per response, including reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information, and submitting the completed application form to the USPTO. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to the Chief Information Officer, U.S. Patent and Trademark Office, Department of Commerce, Washington, DC 20230. (DO NOT INCLUDE FEES OR COMPLETE FORMS IN THIS RESPONSE.) SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	09/241,450
		Filing Date	February 2, 1999
		First Named Inventor	John O. Ruid
		Art Unit	1771
		Examiner Name	John J. Guarriello
Sheet 3	of 3	Attorney Docket Number	D0932-00313RCE

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CETIAT "Test Report" July 24, 1991, 6 pages (including translation attached)	✓
		Climaver 284-234 "Construction and self-support air conditioning ducts", 18 pages (including translation attached)	✓
		France-Air, "Glass Fibre panels for air ducts" 21 pages (including translation attached)	✓
		French Republic, National Testing Laboratory, November 28, 1998, 18 pages (including translation attached)	✓
		Glasuld "Product Data-Industrial Sheet Black" Sheet: 172 page 1, November 1989, 1 page (14 pages, including translation of the relevant parts of the Danish ventilation attached)	✓
		Isover "Price List" January 1991, 51 pages (including translation attached)	✓
		Isover Saint-Gobain "Roche & Verre-Insulation and Air Conditioning, March 1990, 8 pages (including translation attached)	✓
		Roclaine Isover, "Recommended Prices January 1993," Cristaleria Espanola S.A., Insulation Division, January 1993, 53 pages (including translation attached)	✓
		Ultra Additives Catalog, DEE FO/AGITAN defoamers, reprinted 01/21/2003 from http://www.ultraadditives.com	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant is responsible for providing accurate and complete information. If applicant provides false or misleading information, the application may be rejected or the applicant may be subject to disciplinary action.

²Applicant is responsible for providing accurate and complete information. If applicant provides false or misleading information, the application may be rejected or the applicant may be subject to disciplinary action.

This process is an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This selection is estimated to take 15 minutes to complete. The actual amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitution for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Complete if Known	
	Application Number	09/241,450
	Filing Date	February 2, 1999
	First Named Inventor	Ruid et al.
	Art Unit	1771
	Examiner Name	John J. Guarriello
	Attorney Docket Number	D0932-00313

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T
	AT	WEISS, HERBERT L., "Coating and Laminating, Converting Technology Company, Milwaukee, Wisconsin, pp. 7-9, 196-202 and 228-238, Copyright© 1977	
	AU	Elasti-Glass® R3100B Series Glass Fiber Mats, Schuller, 2 pages, Effective Date 05/1997	
	AV	Knauf Air Duct Board, Form No. AH-SS-2 Effective: 1/98, 2 pages	
	AW	Knauf Fiber Glass Insulation – Products 7 pages, Copyright© 2002	
	AX	CertainTeed Specification Sheet, ToughGard™ Duct Board, 2 pages, ©CertainTeed 4/2001	
	AY	Testing Data from the Competitive Audit on March 25, 1999, 3 pages	
	AZ	"Smooth Stainless Steel Rods, etc.", R.D. Specialites, Webster, NY no date found on document	
	BA	"Wire Wound Rod," Lembo-ITTI, http://www.lembo-itti.com/fx170005.htm 10/20/98	
	BB	"Precision Coating Rods and Laboratory Products", Industry Tech, Oldsmar, FL July 1988	
	BC	Underwriters Laboratories Inc., "Report on Air Ducts", June 8, 1992, Northbrook, Illinois, USA	
	BD	CertainTeed Corporation, "Certa*Faced Ultra*Duct Marketing Plan", November 22, 1993.	
	BE	CertainTeed Corporation, "Product Specification: PS 57.00", May 23, 1994.	
	BF	CertainTeed Corporation, "Raw Material Specification: Certa*Faced Ultra*Duct Mat Facing", June 23, 1994.	
	BG	CertainTeed Corporation, "List Prices – ToughGard Duct Board", October 1, 1994, Valley Forge, Pennsylvania, USA	
	BH	Underwriters Laboratories Inc., "Investigation of 'Climaver 284' Air Duct Board", December 19, 1991, Northbrook, Illinois, USA	
	BI	North American Insulation Manufacturers Association, "Fibrous Glass Duct Construction Standards", 2 nd Edition, 1993.	
	BJ	Owens Corning, "Submittal Sheet - EnDura Coat Duct Board", May 2001, USA	

Examiner Signature	Date Considered
--------------------	-----------------

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

BK	CertainTeed Corporation, "Specification Sheet - <i>ToughGard</i> Duct Board with Enhanced Surface", January 2002.	
BL	CertainTeed Corporation, "Specification Sheet - Ultra*Duct Gold", March 2002.	
BM	Owens Corning, "Submittal Sheet - <i>Aeromat</i> Duct Liner", May 2001, USA	
BN	Knauf Fiber Glass GmbH, "Submittal Sheet - Air Duct Board-M with Hydrosshield Technology", October 2000, USA	
BO	Aircon, "Ventilation, Extraction and Air Conditioning - Installation Materials", November 1991.	
BP	Underwriters Laboratories Inc., "Gas and Oil Equipment 1993"	
BQ	Underwriters Laboratories Inc., "Gas and Oil Equipment 1994"	
BR	Underwriters Laboratories Inc., "Gas and Oil Equipment 1995"	
BS	CertainTeed Corporation, "Product Sheet - <i>ToughGard</i> Duct Board Fiber Glass Duct Board Systems", 1994, Valley Forge, Pennsylvania, USA.	
BT	CertainTeed Corporation, CertainTeed Building Solutions, "Product Information," CertainTeed Duct Insulation no date found on document	
BU	Johns-Manville Fiber Glass, "Micro-Aire Duct Systems Fabrication Manual", USA, 06/1970	
BV	Johns-Manville Manufacturing, "Product Specification - Micro-Aire Duct Board Standard Duty Heavy Duty Spec No. 4365-20", 1971 - 1973, USA	
BW	Johns-Manville Manufacturing, "Product Specification - Micro-Aire Duct Board Standard Duty Heavy Duty Spec No. 4365-15", 1971 - 1973, USA	
BX	Johns-Manville, "Air Handling Systems - SuperDuct™ Coated High Performance Air Duct Board, Type 475 & 800, AHS 200 June 2000	
BY	Johns-Manville, "Air Handling Systems - Linacoustic RC™ Fiber Glass Duct Liner with Reinforced Coating System," (preliminary product information), AHS-329 February 2002	

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.